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| APPLICATION NO. | FILING DATE | FIRST NAMED INVENTOR | ATTORNEY DOCKET NO. | CONFIRMATION NO. |
|-----------------|-------------|----------------------|---------------------|------------------|
| 10/774,703      | 02/02/2004  | George Vodin         | 10808-1             | 7372             |

7590 09/26/2006

National IP Rights Center, LLC  
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EXAMINER

NEWTON, JARED W

ART UNIT PAPER NUMBER

3634

DATE MAILED: 09/26/2006

Please find below and/or attached an Office communication concerning this application or proceeding.

|                              |                                      |                                      |  |
|------------------------------|--------------------------------------|--------------------------------------|--|
| <b>Office Action Summary</b> | <b>Application No.</b><br>10/774,703 | <b>Applicant(s)</b><br>VODIN, GEORGE |  |
|                              | <b>Examiner</b><br>Jared W. Newton   | <b>Art Unit</b><br>3634              |  |

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

#### Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) OR THIRTY (30) DAYS, WHICHEVER IS LONGER, FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

#### Status

- 1) ☒ Responsive to communication(s) filed on 24 July 2006.
- 2a) ☐ This action is **FINAL**.                      2b) ☒ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

#### Disposition of Claims

- 4) ☒ Claim(s) 1-22 is/are pending in the application.
- 4a) Of the above claim(s) \_\_\_\_\_ is/are withdrawn from consideration.
- 5) ☐ Claim(s) \_\_\_\_\_ is/are allowed.
- 6) ☒ Claim(s) 1-22 is/are rejected.
- 7) ☐ Claim(s) \_\_\_\_\_ is/are objected to.
- 8) ☐ Claim(s) \_\_\_\_\_ are subject to restriction and/or election requirement.

#### Application Papers

- 9) ☐ The specification is objected to by the Examiner.
- 10) ☒ The drawing(s) filed on 24 July 2006 is/are: a) ☒ accepted or b) ☐ objected to by the Examiner.  
Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).  
Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
- 11) ☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

#### Priority under 35 U.S.C. § 119

- 12) ☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) ☐ All    b) ☐ Some \* c) ☐ None of:
1. ☐ Certified copies of the priority documents have been received.
  2. ☐ Certified copies of the priority documents have been received in Application No. \_\_\_\_\_.
  3. ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).

\* See the attached detailed Office action for a list of the certified copies not received.

#### Attachment(s)

- |  |   |
|--|---|
| 1) <input checked="" type="checkbox"/> Notice of References Cited (PTO-892)                                | 4) <input type="checkbox"/> Interview Summary (PTO-413)<br>Paper No(s)/Mail Date. _____ |
| 2) <input type="checkbox"/> Notice of Draftsperson's Patent Drawing Review (PTO-948)                       | 5) <input type="checkbox"/> Notice of Informal Patent Application                       |
| 3) <input type="checkbox"/> Information Disclosure Statement(s) (PTO/SB/08)<br>Paper No(s)/Mail Date _____ | 6) <input type="checkbox"/> Other: _____  |

## **DETAILED ACTION**

### ***Continued Examination Under 37 CFR 1.114***

A request for continued examination under 37 CFR 1.114, including the fee set forth in 37 CFR 1.17(e), was filed in this application after final rejection. Since this application is eligible for continued examination under 37 CFR 1.114, and the fee set forth in 37 CFR 1.17(e) has been timely paid, the finality of the previous Office action has been withdrawn pursuant to 37 CFR 1.114. Applicant's submission filed on July 24, 2006 has been entered.

### ***Claim Rejections - 35 USC § 103***

Claims 1, 3-11, 13-15, 17-19, 21, and 22 are rejected under 35 U.S.C. 103(a) as being anticipated by U.S. Patent No. 6,915,914 to Farrand in view of US Patent No. 5,297,685 to Ramey.

In regard to claim 1, Farrand shows a display and storage system 10 comprising a frame assembly comprising members 12, 15, 17, and 20, as well as panels 40, said frame assembly having internal housing sections 22, and rotating carousel racks 24 mounted to the frame member, said carousel rack being capable of supporting a plurality of picture frame pieces (see FIGS. 1 and 2).

In regard to claim 3, Farrand shows said display system further comprising a frame housing 12 and 17 having a plurality of internal open sections 22; a plurality of rotating carousel panel members 24 which rotate about a central axis extending from pivot support 14 (see FIG. 2) within said open sections 22 (see FIGS. 1 and 7). Farrand

Art Unit: 3634

further discloses fasteners for affixing display pieces to said carousel racks in the form of retaining baskets 36 (see FIG. 10).

In regard to claim 4, Farrand discloses the system according to claim 3, further comprising said plurality of rotating carousel members comprising a general "x-shape" extending from their centers, as shown in the top view of Figure 7.

In regard to claim 5, Farrand discloses a system comprising the limitations set forth above, including: the frame housing and internal open sections, the rotating carousel members having a general "x-shape" rotating about a central axis within said internal sections, and the retainer fastening means. Farrand further discloses additional planar wall or door surfaces 34 proximate to the rotating panel members and adapted to retain additional display items, said surfaces capable of removably affixing picture frame molds thereto via retaining baskets 36 (see FIG. 1).

In regard to claim 6, Farrand further shows four rotating members in tandem (see FIG. 1).

In regard to claim 7, Farrand further shows said rotating members comprising columns having x-shaped cross-sections (see FIG. 7)

In regard to claim 8, Farrand further shows display items removably attached to the frame member, wherein said frame member is capable of removably securing picture frame pieces.

In regard to claims 9, 13, and 17, Farrand shows the lower-left rotating member spaced equidistant from the upper-left rotating member and the lower-right rotating member (see FIG. 7).

In regard to claims 10, 14, and 18, Farrand shows a vertical panel 34 dividing two of the rotating members, said panel capable of supporting picture frame pieces (see FIG. 7).

In regard to claims 11, 15, and 19, Farrand shows the upper central horizontal axes of each rotating member lying in the same plane (see FIG. 1).

In regard to claims 21 and 22, said frame panel portions 40 and said rotating racks 24 form a substantially contiguous front wall, where access to the interior of the device is limited (see FIG. 8).

Farrand discloses the device advanced above, wherein said device is capable and effective for storing a plurality of goods (see col. 1, ln. 46); however, Farrand does not explicitly set forth said rack storing picture frame pieces.

Ramey discloses a method and apparatus for displaying a plurality of articles, and in particular, "finished and unfinished mouldings, picture frames, windows, doors, lumber, and other related mill work" (see col. 1, ln. 15-17) (see also FIG. 4). Ramey further discloses the desirability of displaying such materials in a customer friendly environment (see col. 2, ln. 9-13).

The Farrand and Ramey references are analogous art because they are from the same field of endeavor—retail display structures. It would have been obvious to one of ordinary skill in the art at the time of the invention to store the picture frames and mouldings as disclosed by Farrand in the assembly as disclosed by Ramey. Farrand discloses the desirability of storing various goods, and the benefits of storing goods in

Art Unit: 3634

the disclosed device. For illustrative purposes, Farrand discloses said device as storing media goods; however, the illustrative example by no means limits the scope of the invention to storing only media materials, and the structure and operation of the device enables it to effectively store goods in general (see abstract, ln. 1). Ramey discloses the desirability of displaying picture frames and mouldings so that a customer can locate and purchase such without the assistance of a salesperson (see col.1, ln. 30-35). It follows that storing picture frames and mouldings on the device as disclosed by Farrand would be an obvious and successful use of said device that would arise from the fact that it is desirable to store picture frames in a customer-friendly retail setting, and that the Farrand device teaches a convenient and effective means of displaying goods in a retail setting.

Claims 11, 15, and 19 are rejected under 35 U.S.C. 103(a) as being unpatentable over '914 to Farrand in view of Ramey as applied to claims 1, 3, and 5 above, and further in view of US Patent No. 518,390 to Bever.

Farrand in view of Ramey discloses a system comprising all of the limitations of claims 1, 3, and 5, as set forth above, but does not disclose the central vertical rotational axes of each rotating member as lying in the same plane. Bever discloses a storage rack having a plurality of rotating members in groups of three, wherein each of the three rotating members comprises a central vertical rotational axis lying in the same plane as the other two central vertical rotational axes of the group (see FIG. 1). The Farrand and Bever references are analogous art because they are from the same field

Art Unit: 3634

of endeavor—rotating storage racks. It would have been obvious to one of ordinary skill in the art at the time of the invention to dispose the rotating members as set forth by Farrand in the orientation as set forth by Bever. The motivation would have been to tailor the rack as set forth by Farrand to various environments by enabling multiple configurations.

Claims 2, 12, 16, and 20 are rejected under 35 U.S.C. 103(a) as being unpatentable over '914 to Farrand in view of Ramey as applied to claims 1, 3, and 5 above, and further in view of US Patent No. 6,070,741 to Bachman et al.

Farrand in view of Ramey discloses a system comprising all of the limitations of claims 1, 3, and 5, as set forth above, but does not disclose hook-and-loop fasteners for retaining the display items on said rotating racks. Bachman et al. discloses a display rack comprising display items 15 attachable to said rack via hook-and-loop fasteners. Bachman et al. recite, "The visual materials 15 are preferably attached by attachments that include...hook-and-loop fabric (e.g., VELCRO™) attachments..." (See Column 3, Ln. 48-51). The Farrand and Bachman et al. references are analogous art because they are from the same field of endeavor—storage and display racks. It would have been obvious to one of ordinary skill in the art at the time of the invention to replace the retaining baskets as disclosed by Farrand with the hook-and-loop fastening means as disclosed by Bachman et al. so as to allow the rack as set forth by Farrand to support and retain a display item, including a picture frame piece or mold as taught by Ramey. The motivation would have been to provide a less complicated means of attachment

Art Unit: 3634

that uses less material and therefore costs less money to produce. It is further noted that the use of hook-and-loop fasteners to hold display items to a display rack is obvious and well known in the art of display racks.

### ***Response to Arguments***

Applicant's arguments filed July 24, 2006 have been fully considered but they are moot in view of the grounds of a new rejection.

The Drawing Objections noted in the Office Action dated March 21, 2006 are hereby withdrawn. The Replacement Drawings filed July 24, 2006 are entered herein.

The Claim Objections noted in the Office Action dated March 21, 2006 are hereby withdrawn.

### ***Conclusion***

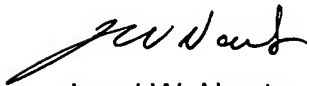
Any inquiry concerning this communication or earlier communications from the examiner should be directed to Jared W. Newton whose telephone number is (571) 272-2952. The examiner can normally be reached on M-F 8-5.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Richard Chilcot can be reached on (571) 272-6777. The fax phone number for the organization where this application or proceeding is assigned is 571-273-8300.

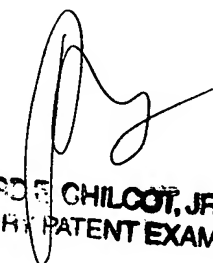


Art Unit: 3634

Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free). If you would like assistance from a USPTO Customer Service Representative or access to the automated information system, call 800-786-9199 (IN USA OR CANADA) or 571-272-1000.



Jared W. Newton  
September 16, 2006  
JWN



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SUPERVISOR, PATENT EXAMINER